




King County  
Administrative Policies and Procedures

Executive Orders  
Policies & Procedures

Title King County Prohibited Drug Use and Alcohol Misuse Education and Testing Program	Document Code No. PER 15-2-1 (AEP)
Department/Issuing Agency Drug and Alcohol Program	Effective Date October 25, 1995
Approved 	

- 1.0 **SUBJECT TITLE:** Policy for King County Prohibited Drug Use and Alcohol Misuse Education and Testing Program
- 1.1 **EFFECTIVE DATE:** October 25, 1995
- 1.2 **TYPE OF ACTION:** Supercedes PER 15-2 (AEP)
- 1.3 **KEYWORDS:** Drug Use, Alcohol Misuse, Safety Sensitive, Testing Program, Education
- 2.0 **PURPOSE:** To establish the King County Program for Prohibited Drug Use and Alcohol Misuse Education and Testing Program Policy. This policy ensures King County compliance with the Omnibus Transportation Act of 1991.
- 3.0 **ORGANIZATIONS AFFECTED:** Applicable to all Executive Departments and the Department of Metropolitan Services
- 4.0 **REFERENCES:**
- 4.1 Omnibus Transportation Act of 1991
- 4.2 49 CFR Parts 40, 382, 653 and 654
- 4.3 U.S. Drug Free Workplace Act of 1988
- 5.0 **DEFINITIONS:** Included in Appendix 9.1
- 6.0 **POLICIES:**
- 6.1 King County is committed to maintaining a drug-free workplace to promote both the quality of its services and the safety of its employees, its customers and the public. Every King County employee or employee of a transit contractor who holds a position which could be defined as safety-sensitive is subject to regulations issued pursuant to the Omnibus Transportation Employee Testing Act of 1991; and, each employee, in accordance with this Act and under King County authority shall follow policies as defined in Appendix 9.1.
- 6.2 Questions about this Prohibited Drug Use and Alcohol Misuse Policy, King County's Employee Assistance Programs and/or the attached Prohibited Drug Use and Alcohol Misuse Education and

Testing Program should be addressed to Lori Jones, Program Administrator for the King County Drug and Alcohol Program at 622-1871.

7.0 PROCEDURES: N/A

8.0 RESPONSIBILITIES:

8.1 The Program Administrator for the King County Drug and Alcohol Program is responsible for ensuring that a Prohibited Drug Use and Alcohol Misuse Education and Testing Program Policy for covered employees is written in the King County Council Ordinance format.

9.0 APPENDICES:

9.1 Prohibited Drug Use and Alcohol Misuse Education and Testing Program

9.2. Safety Sensitive Positions

## Appendix 9.1

### **Prohibited Drug Use And Alcohol Misuse Education And Testing Program**

#### **Section I - Policy Statement**

- A. King County is committed to maintaining a drug-free workplace to promote both the quality of its services and the safety of its employees, its customers and the public. Every King County employee or employee of a transit contractor who holds a position which would be defined as safety-sensitive (covered employee) is subject to regulations issued pursuant to the Omnibus Transportation Employee Testing Act of 1991 (the Act); and each covered employee, in accordance with the Act, is:
1. prohibited from using, possessing, selling, purchasing, manufacturing, distributing, or transferring alcoholic beverages (except off-duty use at public events, e.g., Kingdome) or controlled substances or other performance-impairing substances while on duty or on King County property; and
  2. is prohibited from being present on King County property (except off-duty alcohol use at public events, e.g., the Kingdome), reporting to work or performing work while that employee is under the influence of alcohol or has any controlled substance or other performance-impairing substance in his/her system; and,
  3. is prohibited from the consumption of alcohol within four (4) hours of the employee's scheduled time to report for work, or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever occurs first; and,
  4. is required to submit to an alcohol and/or drug test when directed by King County; and, prohibited from tampering or attempting to tamper with such alcohol and/or drug test; and,
  5. is required to notify his/her supervisor, within five (5) calendar days of any conviction, that he/she has been convicted of a drug crime occurring in the workplace; and
- B. Each covered employee, under King County's own authority:
1. is responsible for informing his/her physician when being prescribed medication(s) that he/she is covered under the terms of this policy. The employee shall use medically authorized drugs or over the counter medications in a manner which will not impair on the job performance.
  2. shall promptly report to his/her supervisor whenever he/she observes or has knowledge of another employee who poses a hazard to the safety and welfare of others.

- C. In accordance with the Omnibus Transportation Employee Testing Act of 1991 and the regulations issued pursuant to this Act:
1. It is King County policy that every covered King County employee comply with the Prohibited Drug and Alcohol Misuse Education and Testing Program which details King County's program.
  2. Employees must understand that strict compliance with King County's Alcohol and Drug Misuse Policy and Education and Testing Program is a condition of employment with King County.
  3. Under King County's own authority, violations will result in discipline in accordance with Section XII.

## **Section II - Covered Employees**

As required by the regulations issued pursuant to the Omnibus Employee Testing Act of 1991, King County must conduct drug and alcohol testing for all covered employees. Covered employees are those employees who occupy positions which perform a "safety-sensitive" function and applicants for a safety-sensitive position. "Safety-sensitive" functions are defined as:

1. operating revenue service vehicles, including operation when the vehicle is not in revenue service;
2. operating nonrevenue service vehicles when operation of such vehicles requires the driver to hold a Commercial Driver's License (CDL);
3. controlling the dispatch or movement of a revenue service vehicle;
4. maintaining a revenue service vehicle or equipment used in revenue service; or
5. carrying a firearm for transit security purposes.

A list of all covered positions/classifications, by King County Department, is attached as Appendix 9.2. In addition, all employees of independent contractors who perform services for King County Department of Metropolitan Services in positions which are safety-sensitive as outlined above will also be subject to the testing requirements outlined in this program.

### **Section III - Education**

Every covered King County employee will receive a copy of King County's Prohibited Drug Use and Alcohol Misuse Policy and this Prohibited Drug and Alcohol Misuse Education and Testing Program. Transit employees will receive a minimum of sixty (60) minutes of training regarding the Prohibited Drug Use and Alcohol Misuse Education and Testing Program and the effects of prohibited drug use and alcohol misuse. Detailed information on alcohol misuse will be provided, specifically referencing the effects of alcohol misuse which impacts an individual's biological, emotional, psycho-social well being. The effects of misuse can be seen in an individual's work performance, attitude and social interaction.

All King County supervisory personnel who are designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol and/or drug testing will also receive a minimum of one-hundred and twenty (120) minutes of training on the physical, behavioral, speech, and performance indicators of probable prohibited drug use and alcohol misuse.

### **Section IV - Substances Tested**

#### **A.     *Alcohol***

Employees subject to alcohol testing will have a sample of their breath tested for the presence of the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. King County, under its own authority, considers a breath alcohol level of .02 or greater a positive test.

Any refusal to submit to an alcohol test, and all positive alcohol tests, will be reported immediately by the testing facility to the King County Drug and Alcohol Program Administrator as required by law.

#### **B.     *Drugs***

Employees subject to drug testing will have a sample of their urine tested for the presence of five (5) drugs, as follows:

1.     Marijuana
2.     Cocaine
3.     Opiates
4.     Amphetamines
5.     Phencyclidine

All drug tests will be reported by the testing laboratory to a medical review officer (MRO) who will evaluate the results. After evaluation and interpretation, all verified positive test results will be reported by the MRO to the employee and the King County Drug and Alcohol Program Administrator. Any

refusal to submit to a drug test, will be immediately reported by the collection site to the King County Drug and Alcohol Program Administrator.

With respect to verified positive drug tests, employees will be notified by the MRO that they have seventy-two (72) hours following this notification in which they can request, at their own expense, that a split urine specimen be tested by another Department of Health and Human Services (DHHS) certified testing laboratory. However, in the event that the split sample test is negative, the employee will be reimbursed for the test.

Failure to request testing of the split specimen within seventy-two (72) hours of being notified of a positive test by the MRO will result in the test results from the original specimen being accepted as the final test results.

## **Section V - Types of Testing**

The following tests will be required of all covered employees in accordance with King County alcohol and drug testing procedures:

1. Pre-employment tests
2. Post-accident tests
3. Random tests
4. Reasonable suspicion tests
5. Return to duty/Follow-up tests

The King County alcohol and drug testing procedures will incorporate all requirements outlined in the federal regulations to ensure employee confidentiality, the integrity of the testing process, safeguard the validity of the test results, and ensure that test results are attributed to the correct covered employee.

## **Section VI - Pre-employment Tests**

A. The following persons will be subject to pre-employment testing in accordance with King County alcohol and drug testing procedures:

1. Applicants selected for hire into one of the covered positions listed in Section II.
2. Current King County employees selected for assignment into one of the covered positions listed in Section II, if not previously employed in one of these positions, and if the assignment is intended to be for thirty (30) or more consecutive days.

B. Individuals identified in Section VI.A. will be informed that they are subject to pre-employment drug testing at the time they apply for a covered position. Such persons, once a job offer is made will have urine sample collected and tested for evidence of the substances listed in Section IV.B. For individuals

noted in Section VI.A.1. and .2, tests may be conducted as part of a routine pre-employment physical examination. The time, date and location of the physical examination and drug test will be announced in advance of the test. Individuals applying for positions which do not require a routine pre-employment physical examination will be notified, in advance, of the time, date and location of the drug test only.

**C. Disqualification from King County Employment**

1. Applicants for initial hire will be disqualified from King County employment if they:
  - a. fail to appear for the physical examination and urine collection on the designated day unless excused by King County for good and verifiable cause;
  - b. refuse to provide a urine sample;
  - c. attempt to alter, taint, or otherwise provide a false sample; or
  - d. test positive for the presence of one of the substances listed in Section IV.B.
  - e. refuse to consent under Federal Highway Administration (FHWA) to allow King County to obtain the drivers' previous employers' information on positive controlled substances and/or alcohol test results and refusal to be tested within the previous two (2) years; or
  - f. have been tested positive or have refused to be tested when required by a previous employer within the last (2) years and have not successfully completed required recommendations of a substance abuse professional.
2. Current employees subject to pre-employment testing will be disqualified from the position they are seeking if they commit one of the acts listed in 1.a - 1.f. of Section VI.C.1 above. Current employees subject to pre-employment testing will also be subject to discipline in accordance with Section XII if they commit one of the acts listed in 1.c and 1.d in Section VI.C.1 above.
3. Persons who are disqualified from the position that required the pre-employment test shall be disqualified from applying for any covered King County position for a period of six (6) months. Applications from such persons will thereafter only be accepted if accompanied by a current, written statement from a licensed substance abuse professional verifying that the applicant is not then an abuser of alcohol and/or active user of drugs.

**Section VII - Post-Accident Tests**

All employees in covered positions as identified in Section II will be subject to post-accident alcohol and drug testing in accordance with King County alcohol and drug testing procedures.

- A. A King County safety officer, supervisor or other qualified person shall be responsible for making a determination as to whether a post-accident drug and alcohol test is required at the time any covered employee is involved in an accident. An "accident" requiring an alcohol and drug test is any accident where:

1. a fatality has occurred;
2. a non-fatal accident involving a transit diesel or trolley bus, automobile, van or commercial motor vehicle that requires the driver to carry a commercial driver's license (CDL) has occurred in which
  - a. injuries were sustained requiring the injured person to immediately receive medical attention away from the scene or any vehicle involved in the accident is disabled and towed away unless it is determined, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident.

OR

3. a non-fatal accident involving a non-transit commercial motor vehicle that requires the driver to carry a commercial driver's license (CDL) has occurred in which
  - a. injuries were sustained requiring the injured person to immediately receive medical attention away from the scene or any vehicle involved in the accident is disabled and towed away

AND

- b. the employee operating the vehicle has received a citation from a state or local law enforcement official;

OR

4. a non-fatal accident involving the waterfront streetcar has occurred in which
  - a. injuries were sustained which required the injured person to immediately receive medical attention away from the scene

OR

- b. the waterfront streetcar is removed from revenue service

- B. King County will also test any covered employee whose performance could have contributed to the accident.
- C. An employee required to submit to post-accident drug and alcohol testing must be tested as soon as possible. Drug tests must be conducted within thirty-two (32) hours following the accident; alcohol tests must be conducted within eight (8) hours of the accident. A covered employee who is required to

submit to a reasonable suspicion alcohol and drug test under Section IX need not be required to also submit to a separate post-accident drug and alcohol test under this Section.

- D. An employee required to submit to a post-accident drug and alcohol test, will be transported by King County to the collection site and will be required to sign a consent form. The employee must provide a urine and breath sample unless it is determined by medical personnel present that the employee is medically unable to provide the required samples. Following the test, the employee will be relieved of duty with pay pending King County's receipt of the results of the tests from the MRO.
- E. It is King County's policy that employees who are required to submit to a post-accident drug and alcohol test will be subject to discipline in accordance with Section XII if they:
  - 1. refuse to sign a consent form or refuse to provide a breath and/or urine sample;
  - 2. attempt to alter, taint, or otherwise provide a false sample; or
  - 3. test positive for the presence of one or more of the substances listed in Section IV.

## **Section VIII - Random Tests**

- A. King County will maintain a listing of the names of all employees in the covered positions listed in Section II. During each calendar year, alcohol and/or drug tests will be administered to these employees on a random-selection basis in accordance with the federal alcohol and drug testing regulations and King County's alcohol and drug testing program.
- B. Employees subject to random drug and alcohol testing will be required to sign a consent form at the time of testing/collection.
- C. Employees selected for random alcohol and/ or drug tests will be provided with transportation and will report to the collection site where they will be required to provide a breath and/or urine sample.
- D. It is King County policy that employees will be subject to discipline in accordance with Section XII if they:
  - 1. do not appear and complete a random drug and/or alcohol test within two (2) hours following notification to appear for such tests, refuse to sign a consent form or refuse to provide a breath and/or urine sample;
  - 2. attempt to alter, taint, or otherwise provide a false sample; or
  - 3. test positive for the presence of one or more of the substances listed in Section IV.

## **Section IX - Reasonable Suspicion Test**

- A. All employees in the covered positions listed in Section II may be required to submit to a reasonable suspicion alcohol and/or drug test.
- B. Employees who are reasonably suspected by a supervisor of violating King County's Prohibited Drug Use and Alcohol Misuse Policy will be required to submit to an alcohol and/or drug test in accordance with King County alcohol and drug testing procedures. A trained supervisor who makes a determination that a test is required will be required to complete a form indicating the grounds for his/her suspicion. The determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the employee.
- C. An employee who is required to submit to an alcohol and/or drug test under this Section must sign a consent form.
- D. Employees will be transported by King County to the collection site and will be required to provide a breath and/or urine sample. Following completion of the test, employees will be transported home and relieved of duty with pay pending King County's receipt of the results of the test from the MRO.
- E. It is King County's policy that employees will be subject to discipline in accordance with Section XII if they:
  - 1. refuse to sign a consent form or refuse to provide a urine and/or breath sample;
  - 2. attempt to alter, taint, or otherwise provide a false sample; or
  - 3. test positive for the presence of one or more of the substances listed in Section IV.

## **Section X - Return to Work Testing**

Employees who have been disciplined in accordance with Section XII as a result of their first positive test indicating the presence of one or more of the substances listed in Section IV will be required, prior to returning to work, to take a return to duty alcohol and/or drug test with a verified negative result in accordance with King County alcohol and drug testing procedures.

## **Section XI - Follow-up Testing**

Current employees who have been disciplined in accordance with Section XII as a result of a positive alcohol and/or drug test required under Section V, except for random alcohol tests with a level of .02-.039 whose initial test was greater than the confirmation test, upon return to work shall be subject to a minimum of six (6) unannounced drug and/or alcohol follow up tests during the first twelve (12) months following the employee's return to work, and further testing as recommended by the substance abuse professional up to a maximum of

sixty (60) months. In addition, employees who have been disciplined in accordance with Section XII will also be subject to the testing requirements of Section V.

## **Section XII - Consequences**

Current employees who have a confirmed positive drug or alcohol test will be removed from duty and the employee will be provided with information from King County's employee assistance program (EAP) regarding alcohol and/or substance abuse and the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.

### **A. Termination**

It is King County's policy that current employees will be terminated if the employee:

1. uses, possesses, sells, purchases, manufactures, distributes, or transfers alcoholic beverages (except off-duty use at public events, e.g., Kingdome) or controlled substances or other performance-impairing substances while on duty or on King County property; or,
2. consumes alcohol within four (4) hours of the employee's scheduled time to report for work, or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever occurs first; or,
3. refuses to submit to an alcohol and/or drug test when directed by King County; or, tampers or attempts to tamper with an alcohol and/or drug test; or,
4. does not notify his/her supervisor, within five (5) calendar days of any conviction, that he/she has been convicted of a drug crime occurring in the workplace; or
5. tests positive and was involved in an accident resulting in death, serious injury or extensive property damage; or
6. tests positive and is also being terminated for other misconduct which could independently result in their discharge; or
7. tests positive and has not completed their initial probationary period following hire into their first King County position.
8. does not appear and complete a random or follow-up drug and/or alcohol test within two (2) hours following notification to appear for such tests, refuses to sign a consent form or refuses to provide a breath and/or urine sample;

9. has a second confirmed positive drug or alcohol test, except random alcohol tests with a level of .02-.039 where the initial test was greater than the confirmation test;
10. has a third confirmed positive random alcohol test with a level of .02-.039, where the initial test was greater than the confirmation test.

B. Consequences for a Positive Drug or Alcohol Test

1. Conditional Retention

It is King County's policy that current employees, who have a verified positive drug or alcohol test and are not subject to the terms under Section XII.A., will be offered conditional retention of employment if the employee:

- a) submits to an evaluation by a substance abuse professional approved by King County's EAP;
- b) signs a conditional retention of employment agreement;
- c) is determined by a substance abuse professional to require assistance in resolving problems associated with drug abuse and/or alcohol misuse. The employee must agree to attend a King County approved treatment program and sign a monitoring agreement with King County's EAP to ensure successful completion of the treatment program specified by the substance abuse professional; and
- d) prior to returning to work, is subject to a return to duty drug and/or alcohol test. Follow up tests are required if recommended by the substance abuse professional.

The employee who is conditionally retained must fully comply with the conditions of retention of employment, including successful completion of the treatment program specified by the substance abuse professional.

2. Discipline for a Positive Drug or Alcohol Test

Current employees who have a confirmed positive drug or alcohol test will be removed from duty and disciplined as follows:

- a) Consequences for a Positive Drug or Alcohol Test (Except for Random Alcohol Tests of .02-.039 where the initial test was greater than the confirmation test)
  - (1) Employees with their first confirmed positive drug or alcohol test, except random alcohol tests with a level of .02-.039 where the initial test was greater than the confirmation test, will be suspended for one (1) week without pay.

- b) Consequences for a Random Alcohol Level of .02-.039 (where the initial test was greater than the confirmation test)
- (1) Employees who have their first confirmed positive random alcohol test with a level of .02-.039, where the initial test was greater than the confirmation test, will be removed from duty for two (2) days without pay.
  - (2) Current employees who have their second confirmed positive random alcohol test with a level of .02-.039, where the initial test was greater than the confirmation test, will be suspended for one (1) week without pay.
  - (3) Employees who have a confirmed positive alcohol test with a level of .02-.039 where the initial test was less than the confirmation test will be disciplined in accordance with Section XII.B.2.a.(1).

### **Section XIII - Confidentiality**

All testing will be conducted in accordance with the federal regulations to ensure test results are accurate and reliable. Further, King County will carry out this policy in a manner which respects the dignity and confidentiality of those involved.

King County takes seriously its commitment to provide safe conditions to the public and its employees. Recognizing this commitment, King County maintains employee assistance programs which can provide access to professional services in an effort to aid any employee who has an alcohol or chemical dependency problem. All employees who suspect they may have alcohol or substance abuse problems are encouraged to utilize employee assistance program resources before the problem affects their employment status. Participation in this program is voluntary and confidential.

Questions about King County's prohibited drug use and alcohol misuse education and testing program and/or King County's employee assistance programs should be addressed to Lori Jones, Drug and Alcohol Program Administrator.

### **Section XIV - Modifications**

The Program Administrator is authorized and directed to promulgate such modifications, amendments and revisions to the King County Drug and Alcohol Program as he/she deems necessary after a review process and concurrence by the affected departments to carry out the provisions of regulations issued pursuant to the Omnibus Transportation Employee Testing Act of 1991 and to enact such additional policies and procedures as may be necessary to insure King County's compliance with state and federal law affecting drug and alcohol matters. Nothing herein is intended to waive a union's legal right to bargain over modifications, amendments and revisions to the extent that they are mandatory subjects of bargaining.

## **Section XV - Effects of Alcohol**

For information regarding the effects of alcohol refer to King County Drug and Alcohol Program Handbook (Fall 1996), Page 83 - Alcohol Fact Sheet. In addition, if an alcohol problem is suspected, please contact King County Employee Assistance Program or refer to the handbook, Page 102 - Where to Get Help.

## Appendix 9.2

### Safety Sensitive Positions

#### A. Department of Transportation

##### Fleet Administration

Assistant Equipment Supervisor  
Garage Service Attendant  
Heavy Duty Mechanic  
Truck Driver

##### Operations Division

Base dispatcher/planner  
Communications coordinator  
Service supervisor  
Supervisor-in-training  
Transit instructor  
Transit operator  
Transit operator trainee  
Tunnel controller  
Van Service Operator  
Waterfront streetcar conductor

##### Power and Facilities Division

Cable splicer  
Chief, power distribution  
Chief, radio maintenance  
Crew chief, electrical  
Crew chief, line  
Electrician constructor  
Equipment operator  
Fire detection specialist  
Grounds specialist  
Line worker, helper  
Line worker, materials  
Line worker, utilities  
Maintenance constructor  
Radio equipment specialist  
Utility laborer

##### Roads Division

Equipment Operator  
Truck driver

##### Traffic Engineering

Sign installer  
Signal technician

##### Transit Safety

Safety officer  
Supervisor, transit safety

##### Transit Security

Metro police agent

##### Vehicle Maintenance Division

Chief, electronics  
Chief, machine shop  
Chief, vehicle maintenance  
Electronics technician  
Electronics technician, lead  
Equipment dispatch  
Equipment service worker  
Equipment service worker, lead  
Driver, transit stores  
Machinist, maintenance  
Machinist, maintenance, lead  
Metal constructor  
Mechanic  
Mechanic, apprentice  
Mechanic, lead  
Sheetmetal worker  
Sheetmetal worker, lead  
Trainer, mechanical maintenance  
Utility Service Worker II  
Vehicle damage estimator

**B. Department of Natural Resources\***

Solid Waste Division

Auto machinist  
Auto service attendant  
Equipment Operator  
Solid waste supervisor  
Truck driver  
Welder

**C. Department of Parks & Recreation\***

Parks Division

Equipment coordinator  
Equipment Operator  
Mechanic  
Truck driver  
Utility worker

**D. Department of Public Health\***

North Rehabilitation Facility

Special detention attendant  
Special detention supervisor  
Van driver

**E. Department of Construction and Facilities Management\***

Facilities A Airport

Maintenance worker

**F. Wastewater Treatment Division\***

Employees who are required to operate vehicles which require the possession of a commercial driver's license (CDL). Specific employees subject to testing will be identified by Wastewater Treatment Division management and notified of the testing requirements.

\* Employees identified in the covered classifications are subject only if they operate vehicles which require the possession of a commercial driver's license (CDL).